

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

MOBILITY WORKX, LLC,

Plaintiff,

v.

AMAZON.COM SERVICES LLC and AMAZON
WEB SERVICES, INC.,

Defendants.

Civil Action No. 4:24-cv-01060-ALM

JURY TRIAL DEMANDED

**UNOPPOSED MOTION OF DEFENDANTS AMAZON.COM SERVICES LLC
AND AMAZON WEB SERVICES, INC.
FOR LEAVE TO FILE SUBSTITUTE DECLARATION**

Defendants Amazon.com Services LLC and Amazon Web Services, Inc. (collectively, “Amazon”) move for leave to withdraw the Declaration of Daniel Motooka in Support of Defendants’ Motion to Dismiss for Improper Venue and Failure to State a Claim, and to Transfer Venue (“Motooka Declaration”), filed at Dkt. 18-2, to be replaced by the concurrently-filed Declaration of Michael Quinn in Support of Defendants’ Motion to Dismiss for Improper Venue and Failure to State a Claim, and to Transfer Venue (“Quinn Declaration”). A copy of the proposed Quinn Declaration is attached as **Exhibit A**.

Amazon filed its Motion on February 13, 2025. (Dkt. 18.) On March 27, 2025, the Court entered an Order authorizing venue discovery. (Dkt. 28.) Mr. Motooka left his position at Amazon effective June 3, 2025. Because Mobility Workx requested to depose Amazon’s declarants, and Amazon no longer had the ability to produce Mr. Motooka for deposition, Amazon identified a replacement declarant, Mr. Quinn, with similar knowledge of the facts relevant to the Motion, and who could testify to the same facts in the Motooka Declaration. Mr. Quinn executed a declaration that includes the same facts as the Motooka Declaration, but (1) updates the status of the Private 5G service at paragraph 8 to reflect a change since the Motooka Declaration was filed; and (2) includes his own name and position with the company. A redline comparing the Quinn Declaration to the Motooka Declaration is attached as **Exhibit B**.

Amazon notified plaintiff Mobility Workx, LLC about Mr. Motooka’s departure and its intent to submit the Quinn Declaration. Mobility Workx confirmed that it does not oppose the withdrawal of the Motooka Declaration and the substitution of the Quinn Declaration. The parties also agree that Mobility Workx may take the deposition of Mr. Quinn pursuant to paragraph 3(a) of the Order Granting Agreed Venue Discovery (Dkt. 28) in Mr. Motooka’s place.

Accordingly, Amazon respectfully requests the Court grant leave for it to file the Quinn Declaration as a substitute for the Motooka Declaration. As a result, paragraph citations to the Motooka Declaration in Amazon's Motion (Dkt. 18) would be understood as citations to the corresponding paragraphs in the Quinn Declaration.

Dated: June 11, 2025

Respectfully submitted,

Of Counsel:

Deron R. Dacus (TX Bar #00790553)
ddacus@dacusfirm.com
THE DACUS FIRM, P.C.
821 ESE Loop 323, Suite 430
Tyler, TX 75701
Telephone: (903) 705-1117
Facsimile: (903) 581-2543

/s/ Jessica L. Benzler

J. David Hadden
CA Bar No. 176148 (Admitted E.D. Texas)
Email: dhadden@fenwick.com
Saina S. Shamilov
CA Bar No. 215636 (Admitted E.D. Texas)
Email: sshamilov@fenwick.com
Ravi R. Ranganath
CA Bar No. 272981 (Admitted E.D. Texas)
Email: rranganath@fenwick.com
FENWICK & WEST LLP
801 California Street
Mountain View, CA 94041
Telephone: 650.988.8500
Facsimile: 650.938.5200

Jessica L. Benzler
CA Bar No. 306164 (Admitted E.D. Texas)
Email: jbenzler@fenwick.com
Eric B. Young
CA Bar No. 318754 (Admitted E.D. Texas)
Email: eyoung@fenwick.com
Akshay Avantsa (admitted *pro hac vice*)
CA Bar No. 352137
Email: aavantsa@fenwick.com
FENWICK & WEST LLP
555 California Street, 12th Floor
San Francisco, CA 94104
Telephone: 415.875.2300
Facsimile: 415.281.1350

Attorneys for Defendants
AMAZON.COM SERVICES LLC and
AMAZON WEB SERVICES, INC.

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that counsel for Defendant has complied with L.R. 7(h) regarding this motion. On June 9, 2025, counsel for Defendants met and conferred with counsel for Plaintiff via phone and email, and counsel for Plaintiff indicated that it does not oppose the relief requested by this motion.

/s/ Jessica L. Benzler
Jessica L. Benzler

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on June 11, 2025.

/s/ Jessica L. Benzler
Jessica L. Benzler